



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,596	09/24/2003	Toshimine Morino	742425-20	1523

22204 7590 11/03/2005
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT PAPER NUMBER

3616

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,596	MORINO ET AL.	
	Examiner	Art Unit	
	Tiffany Webb	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 9 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/2003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. Paragraph 45, line 5: "including a rearmost row of seats" does not include a reference number for "rearmost row of seats." Examiner suggests changing to "including a rearmost row of seats 20."
 - b. Paragraph 47, lines 4-5: "On the lower surface of the step, a supporting member for a rear suspension mechanism, for example, is mounted."

This sentence does not describe the figure, but a possible configuration of the invention. Examiner suggests changing to "For example, on the lower surface of the step, a supporting member for a rear suspension mechanism could be mounted."
 - c. Paragraph 59, line 2: It is unclear what is meant by "front end of the cushion frame 24 bending downwardly in shape."

- d. Paragraph 66, line 1: States that "shown in Fig. 6 and Fig. 7, the sub trunk 40 comprises a central section 41." Reference numbers 40 and 41 do not appear in Figure 7. The examiner suggests changing to "As shown in FIG. 6, the sub trunk 40 comprises a central section 41."

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in line 7, "at the other end" should be "at another end."
4. Claim 11 is objected to because of the following informalities: claims dependency of claim 8, but claim 8 does not claim a central section or side sections. It is best understood by the examiner that the claim should depend from claim 10, therefore the examiner suggests changing claim 11 to read "The seat belt system for a vehicle as defined in claim 10, wherein an engagement structure is provided..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 3-6, 8, and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3, lines 9 and 10, recite "is to be fixed."

Claim 3 is unclear because the grammatical construction is such that it appears to be claiming a future state. The examiner suggests taking out the phrase "to be."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US 6,547,300). Regarding claim 1, Watanabe et al. discloses having a seat belt system for a vehicle including a seat (5) disposed on a floor of the vehicle having a recess formed downwardly in the floor immediately behind the seat (1). Watanabe et al. further includes a cross member (4a) fixed to a vehicle body with ends extending across the vehicle above the recess (See Figure 2) and a buckle connecting member (11) connected with a buckle (5a) at one end and with a cross member at the other end (11). Further, regarding claim 2, Watanabe et al. discloses having a recess that is used for storing a spare tire (1 and 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (US 5,647,611) in view of Watanabe et al. (US 6,547,300). Boyd et al. discloses having a seatbelt system including a cross member fixed to the vehicle body (50) having a buckle connecting member (20) with a buckle (22) attached to one end and attached to a cross member (50) at the other end (18), and fails to disclose a recess formed downwardly in the floor behind the seat, the recess being provided there for storing a spare tire. Watanabe et al. discloses having a recess formed downwardly in the floor of a vehicle immediately behind the seat (1) for storage of a spare tire (1 and 3). Boyd et al. and Watanabe et al. are analogous art because they both are seat belt system connections for vehicles. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have a spare tire recess behind a seat with a seatbelt system of Boyd et al. in view of the teachings of Watanabe et al. in order provide a place for a spare tire that would not obstruct the cargo load of a vehicle.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. in view of Watanabe et al. as applied to claims 1 and 2 above, and further in view of Kargilis et al. (US 5,570,931). Boyd et al. and Watanabe et al. are discussed above, but fail to disclose a seat back and seat cushion with a seat back that conceals a cross member by a seat back from above when in the folded position where the seat back is folded down onto the seat cushion. Kargilis et al. discloses a seat including a seat back (28) and a seat cushion (24) that can be positioned in a folded arrangement with the

seat back folded down onto the seat cushion (see Figure 5). Kargilis et al. further discloses the seat back, when folded, concealing a cross member (82) from above (see Figure 5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have folding seat with concealing capabilities in the seatbelt system of Boyd et al. and Watanabe et al. in order to provide more storage in the vehicle and to provide a flat surface above the cross member.

Allowable Subject Matter

12. Claim 13 is allowed. Claim 13 recites having a box type sub trunk removably provided behind a seat wherein the seat and the sub trunk are positioned so that the back of the seat back and an upper surface of the sub trunk align with each other and the recess is covered with the seat back at its front portion and covered with the sub trunk form above at its rear portion when the seat back is in the folded position. A combination of these limitations and the other recited features was not reasonably found in the prior art.

13. Claims 3-6, 8-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are center seat belt systems attached to a vehicle body: Lawrence (GB 2,130,075 A), Musukula et al. (US 5,921,605), and Siepierski (US

5,332,261). The following are box like sub trunk assemblies for vehicles: Lehrman (US 5,979,725) and Poczatek (US 3,132,781).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb
Examiner
Art Unit 3616

tlw

 10/31/05

PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600